

HUMAN SERVICES BOARD

INTRODUCTION

FINDINGS OF FACT

1. The petitioner lives with her husband and their two children. As of last autumn both the petitioner and her husband were able to work. At that time the petitioner, pursuant to her choice, was designated as being the primary caretaker of her children and her husband was considered the "principal earner" for purposes of Reach Up. Due to the length of time the family had been receiving RUFA assistance and had been participating in Reach Up, the petitioner's husband was designated as being "work-ready" (see *infra*).

2. The petitioner does not dispute that under the Reach Up regulations (see infra) her husband was required to work at least 35 hours per week at either private or community service employment. The petitioner also does not dispute that as of November 1, 2001, her husband was not employed and had refused to cooperate with Reach Up in finding any type of employment.

3. As a result, effective November 1, 2001, the Department imposed a sanction of \$75 against the petitioner's monthly RUFA grant. The petitioner did not appeal this decision.

4. The \$75 sanction remained in effect for the months of November and December 2001 and January 2002. On January 2, 2002 the Department notified the petitioner that pursuant to its regulations the sanction against the family's RUFA grant would increase to \$150 a month effective February 1, 2002 because the petitioner's husband was still neither working nor cooperating with Reach Up. The petitioner appealed this decision.

5. A hearing was initially held on February 21, 2002. At that time the petitioner alleged that her husband was working 24 hours a week and that she had a medical deferment from her doctor saying that she was unable to work. The matter was continued (the increase in the petitioner's

sanction has been stayed pending her appeal) to allow the Department to evaluate this new information and determine what effect, if any, it would have on its decision to continue and/or increase the sanctions against the family's RUFA grant.

6. A further hearing was held on March 13, 2002. Both the petitioner and her husband appeared at this hearing. At this time they admitted that the husband was no longer working at all and that he had signed a statement acknowledging that he was refusing to cooperate with Reach Up in accepting referrals to job interviews or placement in community service employment. The Department had found that the petitioner was unable to work due to a medical condition that was expected to last until March 15, 2002 (subject to the petitioner being able to obtain medical documentation extending the period of disability).

7. At the hearing the petitioner and her husband offered no defense or explanation for the husband's refusal to participate in Reach Up.

ORDER

The Department's decision to increase the sanction against the petitioner's RUFA grant to \$150 per month is affirmed.

REASONS

Under the Reach Up regulations, in a two-parent household, if one parent is unable to work for longer than 90 days, the able-bodied parent is required to work in private or community placement employment at least 30 hours per week. W.A.M. § 2363.3. The disabled parent is required to register and undergo an assessment with the Division of Vocational Rehabilitation. § 2365.32. If one parent's inability to work is for less than 90 days, or if both parents are able to work, one or both parents is required to work full-time (35-40 hours a week, depending on how the employer defines full-time). § 2363.3. In this case, regardless of how long the petitioner's medical deferment is expected to last, her husband is clearly required to meet at least a 30-hour-a-week work requirement. As noted above, the petitioner's husband has expressly refused to cooperate in meeting any work requirement or in participating in any Reach Up referral or activity.

The regulations further provide that when a parent fails to comply with the work requirement the Department shall impose a "fiscal sanction" on that parent's RUFA grant. W.A.M. § 2372. The amounts of these sanctions are set forth in W.A.M. § 2372.2, which includes the following:

For a first, second, and third cumulative month in which an adult is sanctioned, the family's financial assistance grant shall be reduced by the amount of \$75.00 for each adult subject to a fiscal sanction.

For the fourth cumulative month and any subsequent month in which an adult is sanctioned, the family's financial assistance grant shall be reduced by the amount of \$150.00 for each adult subject to a fiscal sanction.

The \$150.00 sanction amount shall be increased to \$225.00 per month if:

- the sanctioned adult has received 50 or more cumulative months of assistance; and
- the sanctioned adult has 12 or more cumulative months of sanctions. . .

As noted above, the petitioner admits the factual bases of the Department's decision. It is also clear that the Department has followed the above regulations in imposing the sanctions on the petitioner's grant.¹ Therefore, the Board is

¹ At the hearing the petitioner was informed that the sanctions would be lifted if she and her husband comply with the work requirements for a reasonable length of time. See W.A.M. § 2373.12.

bound by law to affirm the Department's decision. 3 V.S.A. §
3091(d), Fair Hearing No. 17.

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